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MEMO ENDORSED

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April 9, 2021

VIA ECF

Honorable Valerie E. Caproni, U.S.D.J.
United States District Court for the Southern District of New York
Thurgood Marshall Courthouse
40 Foley Square
New York, NY 10007

Re: *Valencia v. Three Star on First, et al*
Civil Action No. 20-cv-08562

Dear Judge Caproni:

This firm is counsel for defendants, Three Star on First, Inc d/b/a Three Star Diner (“Three Star”), Ioannis Kiriakakis, Georgia I. Kiriakakis and Jimmy Kiriakakis (collectively, “Defendants”) in connection with the above-referenced matter. With respect to the Court’s March 11, 2021 order (ECF No. 29), the parties jointly request a thirty (30) day extension of time to submit a letter motion seeking court approval of the settlement in accordance with *Cheeks*, as well as the settlement agreement, from April 11, 2021 to April 26, 2021. The parties also request that the conference scheduled before Your Honor on April 16, 2021 is adjourned to April 30, 2021 at 10:00 a.m., or on a date thereafter that is mutually convenient for the parties and the Court. No prior requests for an extension of time have been made.

The requested extension is necessary because the parties seek a dismissal with prejudice and need additional time to formalize their formal settlement agreement and obtain Defendants and Plaintiffs’ signatures on the agreement, as well as finalize their letter motion for court approval of the settlement. The delay has been primarily caused by the undersigned defense counsel’s illness due to COVID-19, which kept the undersigned out of work from March 24, 2021 through April 5, 2021.

Thank you for your consideration of this request.

Respectfully submitted,
/s/ Francis J. Giambalvo
Francis J. Giambalvo (FG 2601)

cc: All Counsel of Record (via ECF)

Application GRANTED. The parties' deadline to file on the public docket (a) a joint letter motion requesting the Court to approve the settlement agreement; and (b) the settlement agreement, is adjourned to **Friday, May 7, 2021**. If no letter motion is filed by May 7, 2021, a conference will be held on **Friday, May 14, 2021 at 10:00 A.M.** For additional information about the requirements of the joint letter motion, see the Court's March 11, 2021 Order at docket entry 29.

SO ORDERED.

A handwritten signature in blue ink, appearing to read "Valerie Caproni", is written over a horizontal line.

Date: April 9, 2021

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE